

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>STEVE T. CLIFF,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 04-0301-WS-C</b>
<b>DOROTHY MCILLIANS, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

Plaintiff, an Alabama prison inmate, sought leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 by filing his motion to proceed without prepayment of fees (Doc. 2). Plaintiff's motion was granted (Doc. 3), and he was allowed to proceed *in forma pauperis* without prepayment of a partial filing fee. However, during the screening process under 28 U.S.C. § 1915(e)(2)(B), the Court discovered that § 1915(g) should apply to plaintiff's action due to six actions that were dismissed on §1915 grounds and because the present complaint does not indicate he was "under imminent danger of serious physical injury" at the time of filing.<sup>1</sup>

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<sup>1</sup> Section 1915(g) provides that a prisoner is not allowed to bring a civil action under 28 U.S.C. § 1915 without prepayment of the requisite filing fee if he "has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

In light of the foregoing, the Court **RECONSIDERS** its order granting plaintiff's motion to proceed without prepayment of fees (Doc. 3) and hereby **RESCINDS** its prior order.

**DONE** this 26th day of April, 2005.

**s/WILLIAMA E. CASSADY**  
**UNITED STATES MAGISTRATE JUDGE**